

111TH CONGRESS
1ST SESSION

H. R. 781

To develop a national system of oversight of States for sexual misconduct
in the elementary and secondary school system.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2009

Mr. PUTNAM (for himself and Mr. LEE of New York) introduced the following
bill; which was referred to the Committee on Education and Labor

A BILL

To develop a national system of oversight of States for
sexual misconduct in the elementary and secondary
school system.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Student Protection
5 Act”.

6 **SEC. 2. STATE OVERSIGHT SYSTEMS.**

7 (a) SYSTEMS REQUIRED.—For fiscal year 2012 and
8 each fiscal year thereafter, each State shall have in effect
9 laws and policies that, as determined by the Secretary of
10 Education, ensure the following:

1 (1) Whenever an individual who is an eligible
2 employee has reason to believe that an incident has
3 occurred in which an eligible employee has com-
4 mitted an act of sexual misconduct against a stu-
5 dent, the individual makes a report of that incident
6 to the State consistent with the State's laws and
7 policies regarding reporting of child abuse and ne-
8 glect or, in the case of a State that does not have
9 laws and policies regarding the reporting of child
10 abuse and neglect, as quickly as practicable.

11 (2) If an individual described in paragraph (1)
12 fails to comply with State laws and policies ref-
13 erenced in paragraph (1), such individual is dis-
14 ciplined.

15 (3) The State has a single, statewide commis-
16 sion for receiving and documenting all reports made
17 under paragraph (1).

18 (4) The commission required by paragraph
19 (3)—

20 (A) has policies for investigating and re-
21 porting such incidents; and

22 (B) has a toll-free number that can be
23 used anonymously to make reports under para-
24 graph (1).

1 (5) Each incident with respect to which a re-
2 port is made under paragraph (1) is investigated by
3 individuals who have received training in inves-
4 tigating such incidents.

5 (6) The identification and last known address
6 of an eligible employee, the reason for the termi-
7 nation, punishment, fines, or sanctions are provided
8 to the Secretary of Education whenever an eligible
9 employee is—

10 (A) terminated from association with the
11 State educational agency, local educational
12 agency, public school, or private school, on the
13 basis of an act of sexual misconduct against a
14 student; or

15 (B) punished, fined, or sanctioned by any
16 level of State government on the basis of an act
17 of sexual misconduct against a student.

18 (b) NONCOMPLIANCE.—If a State does not comply
19 with subsection (a) for a fiscal year, the Secretary of Edu-
20 cation may reduce by not more than 5 percent the
21 amounts the State would otherwise be allocated or award-
22 ed, or both, under the Elementary and Secondary Edu-
23 cation Act of 1965 (20 U.S.C. 6301 et seq.). Amounts
24 not allocated or awarded to a State for failure to comply

1 with subsection (a) shall be allocated or awarded (as the
2 case may be) to States that do comply with subsection (a).

3 **SEC. 3. NATIONAL DATABASE.**

4 (a) IN GENERAL.—The Secretary of Education shall
5 maintain a national database of incidents that have oc-
6 curred in which an eligible employee is—

7 (1) terminated from association with a State
8 educational agency, local educational agency, public
9 school, or private school, on the basis of an act of
10 sexual misconduct against a student; or

11 (2) punished, fined, or sanctioned by any level
12 of State government on the basis of an act of sexual
13 misconduct against a student.

14 (b) INCLUDE EVERY DETAIL AND AVAILABILITY.—
15 The database shall include, at a minimum, every detail
16 provided by a State under section 2, and shall be available
17 to the public.

18 **SEC. 4. REPORT.**

19 The Secretary of Education shall, on an annual basis,
20 submit to Congress a report on the activities carried out
21 under this Act. The report shall identify each State that
22 is in compliance, and each State that is not in compliance,
23 with section 2(a).

24 **SEC. 5. DEFINITIONS.**

25 In this Act:

1 (1) The term “eligible employee” means any in-
2 dividual who works for, or is employed by, a State
3 educational agency, local educational agency, public
4 school, or private school.

5 (2) The term “act of sexual misconduct” means
6 any sexual offense, sexual assault, sexual overture,
7 or sexual communication.

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